

Declaration of Phyllis K. Kristal
Exhibit 4

FISH & RICHARDSON P.C.

601 Thirteenth Street N.W.
Washington, DC 20005

Telephone
202 783-5070

Facsimile
202 783-2331

Web Site
www.fr.com

Frederick P. Fish
1855-1930

W.K. Richardson
1859-1951

October 24, 2001

VIA FEDERAL EXPRESS 4614 8643 6332

Marie P. Concemi
Smith & Nephew, Inc.
160 Dascomb Road
Andover, MA 01810

Re: KNOTLESS SLIDING SUTURE ANCHOR

Applicant: Graham Smith
Country: United States
Your Ref.: 02-31-0354
Our Ref.: 00167-441001



BOSTON

DALLAS

DELAWARE

NEW YORK

SAN DIEGO

SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

Dear Marie:

Enclosed please find an original and one copy of the patent application which we propose to file with the U.S. Patent and Trademark Office, including the drawings, with attached formal papers. Graham Smith should carefully review the application and contact us if he has any questions or if any change is needed. If all is in order, then the original application should be signed and dated. The signature must be exactly as typed. It is not necessary to use a Notary for this document.

Also enclosed are an original and two copies of an Assignment. This should be signed by Graham and must also be notarized. The original and one copy should be returned to us. The other copy is for your files.

A memorandum attached to this letter explains the purpose of the Information Disclosure Statement; it is essential that Graham read this memorandum and call to our attention anything he thinks might be a candidate for inclusion in the Statement. An incomplete Statement can under some circumstances result in unenforceability of the patent you hope to obtain.

The executed documents (application, assignments and combined declaration and power of attorney) should be returned to us as soon as possible. The other copies are for your files.

Very truly yours,

Phyllis K. Kristal

PKK/syr
Enclosures

cc: George K. Stacey, Esq., Smith & Nephew, Inc. (w/o enclosures)